

AARON D. FORD
Attorney General
AUSTIN T. BARNUM, Bar No.15174
Deputy Attorney General
State of Nevada
Public Safety Division
555 East Washington Ave, Suite 3900
Las Vegas, Nevada 89101
Tel: (702) 486-4070
E-mail: abarnum@ag.nv.gov

*Attorneys for Defendants
Stacy Barret, Jay Barth, James Dzurenda,
Dwight Neven, Jason Satterly,
and Anthony Warren*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN MELNIK,

Plaintiff,

vs.

JAMES DZURENDA, et al.,

Defendants.

Case No. 3:16-cv-00670-MMD-CLB

NOTICE OF APPEAL

Defendants, Stacy Barret, Jay Barth, James Dzurenda, Dwight Neven, Jason Satterly and Anthony Warren, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Austin T. Barnum, Deputy Attorney General, hereby appeal to the United States Court of Appeals for the Ninth Circuit from this Court's February 11, 2010, Order (ECF No. 69) rejecting the Report and Recommendation, denying Defendants' Motion For Summary Judgment and granting Plaintiff's Cross-Motion for Summary Judgment. Specifically, Defendants appeal the District Court's granting of Plaintiff's cross-motion for summary judgment and denial of Defendants' motion summary judgment as to Defendants' alleged violations of Plaintiff's Fourteenth Amendment Due Process rights and as to Defendants' qualified immunity. *See generally Knox v. Southwest Airlines*, 124 F.3d 1103, 1107 (9th Cir. 1997) ("[W]e have jurisdiction over an interlocutory appeal from the denial of qualified immunity where the appeal focuses on whether the defendants violated a clearly established law given the undisputed facts

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1 . . .”). Because this Notice of Appeal is being filed within thirty (30) days of the Order, the appeal has
2 been timely brought.

3 The required Representation Statement pursuant to 9th CIR. R. 3–2(b) is attached hereto.

4 DATED this 4th day of March, 2020.

5 AARON D. FORD
6 Attorney General

7 By: /s/ Austin T. Barnum
8 AUSTIN T. BARNUM, Bar No. 15174
9 Deputy Attorney General

10 *Attorneys for Defendants*
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REPRESENTATION STATEMENT

Pursuant to FED. R. APP. P 12(a) & (b) and 9TH CIR. R. 3–2, Defendants note that the following individuals are the parties and counsel in this matter:

Plaintiff-Appellee John Melnik

Plaintiff Pro Se
c/o High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070

Defendant - Stacy Barret

Defendant - Jay Barth

Defendant - James Dzurenda

Defendant - Dwight Neven

Defendant - Jason Satterly

Defendant - Anthony Warren

AUSTIN T. BARNUM (Bar No. 15174)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 East Washington Avenue
Suite 3900
Las Vegas, Nevada 89101
(702) 486-4070

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 4th day of March, 2020, I caused to be deposited for mailing in the U.S. Mail a copy of the foregoing, **NOTICE OF APPEAL**, to the following:

John Melnik, #30576
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

/s/ Laure Penny
An employee of the
Office of the Attorney General